

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**DONNA BROWN**

**PLAINTIFF**

**VS.**

**CASE NO. 5:05CV0064**

**FRED'S, INC.**

**DEFENDANT**

**ORDER**

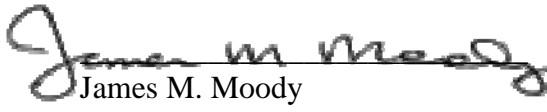
Pending is Plaintiff's motion to reconsider the dismissal of Fred's Inc. (Docket # 52).

Defendant has responded.

On June 23, 2005 the Court granted Defendant's motion for summary judgment dismissing Fred's Inc. because Plaintiff had failed to prove that Fred's Inc. was her employer. Fred's Inc. is the parent company of Fred's Stores of Tennessee, Inc. There is a "strong presumption that a parent company is not the employer of its subsidiary's employees." *Burns v. Aon Corp.*, 83 F.3d 425 (8<sup>th</sup> Cir. 1996). Plaintiff has offered no evidence to suggest that Fred's Inc. was involved in any of the final decisions regarding her employment or had actual control over the allegedly discriminatory actions. *See, Iverson v. Ingersoll-Rand Co.*, 125 Fed. Appx. 73 (8<sup>th</sup> Cir. 2004). Plaintiff has failed to prove an employment relationship with Fred's Inc.

For these reasons, Plaintiff's motion to reconsider, docket # 52, is DENIED.

IT IS SO ORDERED this 1<sup>st</sup> day of May, 2006.

  
James M. Moody  
United States District Judge